

September 26, 2006

**MEMORANDUM**

**TO:           Region Managers**

**FROM:       Lenny Young, Forest Practices Division Manager**

**SUBJECT:   Forest Practices HCP Implementation**

In June 2006, you received 2 CDs containing the Forest Practices Final Habitat Conservation Plan (HCP), the associated Final Environmental Impact Statement and Implementation Agreement (IA), and U.S. Fish & Wildlife Service and National Marine Fisheries Service (Services) Incidental Take Permits (ITPs), Biological Opinions, and Record of Decision. Forest Practices Division is currently reviewing these documents to determine whether any operational changes are needed to comply with terms of the HCP, IA, or ITPs. When our review is done, we will provide implementation training that explains any needed changes. However, there is one ITP requirement that we need to implement right away, concerning leave trees along Type Np streams within exempt 20-acre parcels (WAC 222-30-023).

WAC 222-30-023(3) states, "The department will require trees to be left along Type Np Waters where such practices are necessary to protect public resources." In arriving at their permitting decisions, the Services concluded that leaving trees along such waters is necessary in most situations. The ITPs direct, "The permittee (state) shall require trees to be left along Type Np waters under the 20-acre exemption unless such leave trees are not necessary to protect covered species (public resources) and their habitats." This includes fish habitat downstream of Type Np waters.

Accordingly, henceforth FPAs should be conditioned to require leave trees along Type Np waters within exempt 20 acre parcels unless the department determines this is not necessary. Leave tree requirements are detailed in WAC 222-30-023(3): "... leave at least 29 conifer or deciduous trees, 6 inches in diameter or larger, on each side of every 1000 of stream length within 29 feet of the stream. The leave trees may be arranged to accommodate the operation." A determination that leave trees are not necessary should be based upon careful consideration of riparian functions and documented on the decision page of the FPA. The documentation should explain why leave trees were not needed to maintain riparian functions for covered species and their habitats.

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Please continue current implementation of all other Forest Practices Rules until the division has completed its review of the HCP documents and has provided training on what (if any) other changes are needed. Please direct any general questions about HCP implementation to the division's HCP implementation coordinators, Charlene Rodgers and Carol Walters, at 360-902-1409 or [hcp\\_administration@wadnr.gov](mailto:hcp_administration@wadnr.gov). As always, specific operational questions should be directed to the division's region support group.

- c: Vicki Christiansen, Executive Director of Regulatory Programs  
Assistant Region Managers for Resource Protection & Services  
Forest Practices Division Leadership Team  
Forest Practices District Managers  
Forest Practices Coordinators  
Charlene Rodgers, HCP Implementation Coordinator, Forest Practices Division  
Carol Walters, HCP Implementation Coordinator, Forest Practices Division